

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CHAD STONE,

Plaintiff,

vs.

BURT HURWITZ et al.

Defendants.

CV 23-95-BLG-SPW-TJC

**FINDINGS AND
RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

Plaintiff Chad Stone, a self-represented litigant, filed a Complaint on August 23, 2023, pursuant to 42 U.S.C. § 1983. (Doc. 1.) Stone alleged violations of his constitutional rights by defendants Bert Herwitz, State of Montana, and Park County, Montana, seeking an award of damages. On October 5, 2023, the Court granted Stone's motion to proceed in forma pauperis but concluded that his Complaint failed to satisfy the requirements of 28 U.S.C. § 1915(e)(2). (Doc. 4 at 1, 4.) The Court granted Stone the opportunity to amend his complaint. (*Id.* at 17.)

On November 8, 2023, Stone filed his Amended Complaint. (Doc. 5.) The Amended Complaint named six defendants and sought an award of damages and several forms of injunctive relief. On September 18, 2024, the Court issued an Order concluding that Stone's Amended Complaint again failed to satisfy the requirements of Section 1915(e)(2) but granting Stone the opportunity to file a

second amended complaint to clarify his factual allegations and the specific defendants involved. (Doc. 6.) The Court set a deadline of October 18, 2024, for Stone to file a second amended complaint, and admonished that if Stone failed to timely comply with every provision of the Court's Order, including the deadline to file a second amended complaint, his action would be subject to dismissal. (*Id.* at 33–34.)

With greater than two months having elapsed after the Court's October 18 deadline, the Court issued an Order To Show Cause on December 27, 2024, directing Stone to appear in writing on or before January 17, 2025, to show cause, if any, why this case should not be dismissed for failure to comply with the Court's September 18 Order. (Doc. 7.) Stone was again admonished that failure to respond to the Order To Show Cause would result in a Recommendation that this case be dismissed.

The January 17 deadline has now passed, and Stone has not responded to the Court's Order To Show Cause.

Based on the foregoing, IT IS HEREBY RECOMMENDED that Stone's Amended Complaint be DISMISSED without prejudice.

NOW, THEREFORE, IT IS ORDERED that the Clerk shall serve a copy of the Findings and Recommendations of United States Magistrate Judge upon Stone. Stone is advised that pursuant to 28 U.S.C. § 636, any objections to the findings

and recommendations must be filed with the Clerk of Court within fourteen (14) days after service hereof, or objection is waived. D. Mont. L.R. 72.3.

DATED this 30th day of January, 2025.



TIMOTHY J. CAVAN
United States Magistrate Judge